

Approved: *Todd Blanche*

TODD BLANCHE

Assistant United States Attorney

Before: HONORABLE KEVIN N. FOX
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : COMPLAINT
 - v. - : Violation of
 CORNELL CARR, : 18 U.S.C. § 922(g)(5)
 Defendant. : COUNTY OF OFFENSE:
 ----- X **07 MAG 1309**
 NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

THOMAS J. KILBRIDE, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and charges as follows:

COUNT ONE

1. On or about August 9, 2007, in the Southern District of New York, CORNELL CARR, the defendant, unlawfully, willfully, and knowingly, being an alien illegally and unlawfully in the United States, did possess in and affecting commerce, two firearms, to wit, a .45 caliber Colt semi-automatic hand gun, and a loaded .40 caliber Glock semi-automatic hand gun which previously had been shipped and transported in interstate commerce.

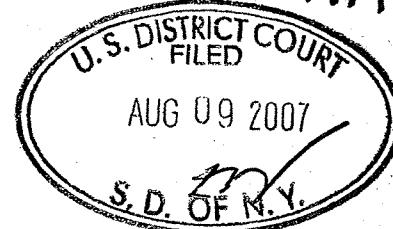
(Title 18, United States Code, Section 922(g)(5)).

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Special Agent with ICE and I have been personally involved in the investigation of this matter. This affidavit is based upon my own observations, conversations with other law-enforcement agents, and my examination of reports and records prepared by others. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and

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the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. On or about August 9, 2007, at approximately 6:00 a.m., I, and other investigators from the United States Marshals Service Regional Fugitive Task Force, were executing a federal search warrant at 15 West 139th Street, #15K, New York, New York (the "Apartment").

4. Upon entry into the apartment, I encountered CORNELL CARR, the defendant, next to an open window in the Apartment. Shortly thereafter, I received a radio transmission from another investigator who was stationed below the Apartment's window who informed me that he had recovered two hand guns that had been thrown from the Apartment window. That investigator later informed me that he saw what appeared to be a black arm extend from the Apartment window, and throw two black objects out of the window. The investigator later identified the two black objects as two hand guns. One of the hand guns is a .45 caliber Colt semi-automatic hand gun, and the other is a loaded .40 caliber Glock semi-automatic hand gun.

5. In addition, approximately 60 rounds of .45 caliber ammunition, and 40 rounds of 9mm caliber ammunition were recovered from the Apartment.

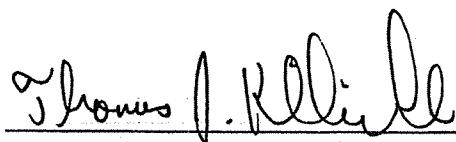
6. After placing CORNELL CARR, the defendant, under arrest, I read him his Miranda Rights. CARR agreed to waive his Miranda Rights. Among other things, CARR stated, in substance and in part, that he had thrown the two guns out of the window. He also stated, in substance and in part, that he had thrown the hand gun magazine out of the window. He further stated, in substance and in part, that all of the ammunition recovered in the apartment belonged to him. He also stated, in substance and in part, that he is applying for a green card, but that he did not have presently have one.

7. I have reviewed documents maintained by the Immigration and Naturalization Service ("INS") pertaining to CORNELL CARR, the defendant. According to these documents, CARR entered the United States on or about July 27, 2001, on a B-2 Visitor's Visa. Subsequently, in or about 2005, CARR applied to the INS to adjust his status to that of a lawful permanent resident. On or about June 16, 2006, that application was denied. Based on the INS file and my experience, I know that CARR is an illegal alien.

8. I have spoken with an agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). Based on my

conversation with the ATF agent, I know that the .45 caliber Colt semi-automatic hand gun, and the loaded .40 caliber Glock semi-automatic are not and have never been manufactured in the State of New York.

WHEREFORE, the deponent respectfully requests that CORNELL CARR, the defendant, be imprisoned, or bailed, as the case may be.



THOMAS J. KILBRIDE
Special Agent
Department of Homeland Security

Sworn to before me this
9 th day of August, 2007



HONORABLE KEVIN N. FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK